

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CEDENO JIMENEZ,

Plaintiff,

-against-

CVS PHARMACY et al.,

Defendants.

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23-CV-05039 (MMG)

**ORDER SCHEDULING
SUMMARY JUDGMENT,
PRE-TRIAL SUBMISSIONS,
& TRIAL**

MARGARET M. GARNETT, United States District Judge:

I. MOTIONS FOR SUMMARY JUDGMENT

As discussed at the Court conference held on April 15, 2024, it is HEREBY ORDERED that any motions for summary judgment must be filed on or before **May 15, 2024**, with oppositions due by **June 14, 2024**, and replies due **June 21, 2024**.

This Order setting forth a briefing schedule should not be interpreted as a directive by the Court for either party to file a motion for summary judgment. Rather, as discussed on the record at the April 15, 2024 conference, both parties acknowledge that any such motion is likely to be unsuccessful, as many of the questions relevant to the ultimate determination of this case appear to be for a jury to resolve. Thus, this Order sets forth below a schedule for Trial and associated pre-trial submissions, all of which are firm and are unlikely to be adjourned or extended absent extraordinary circumstances.

It is FURTHER ORDERED that after summary judgment has been fully briefed, and before pre-trial submissions are due, **counsel for both parties shall meet in person for at least one hour to discuss settlement of this matter.** If the parties wish to be referred to the Court's Mediation Program or the designated Magistrate Judge for mediation or a settlement conference, they should so-inform the Court promptly by joint letter. The scheduling of a mediation session or settlement conference shall not act to adjourn any other date or deadline set forth in this Order.

II. PRE-TRIAL PROCEDURES & SUBMISSIONS

A. Pre-Trial Submissions Due August 9, 2024

It is FURTHER ORDERED that, in accordance with Rule V(A)(1) of the Court's Individual Rules, available at <https://nysd.uscourts.gov/hon-margaret-m-garnett>, the parties shall file on ECF a proposed Joint Pretrial Order that includes the information required by Fed. R. Civ. P. 26(a)(3) and as set forth further in Rule V(A)(1) **by no later than August 9, 2024**. In accordance with Rules V(A)(2) and V(B)(1) of the Individual Rules, each party shall file along with the Joint Pretrial Order all required pretrial filings, including motions addressing any evidentiary issues or other matters that should be resolved *in limine*; and joint requests to charge, joint proposed verdict forms, and joint proposed *voir dire* questions.

All motions *in limine* must comply with Rule V(A)(2) of the Individual Rules. Any party wishing to file a motion *in limine* must first confer in good faith with the opposing party in an effort to resolve the dispute; all motions *in limine* must include a representation that the meet-and-confer process occurred and was unsuccessful. Absent leave of the Court, each party must file a single memorandum of law in support of *all* motions *in limine* filed by that party.

It is further ORDERED that, in accordance with Rule V(A)(2) of the Individual Rules, responses to motions *in limine* are due within one week of the filing of the motion *in limine*; no reply briefs shall be filed.

B. Exhibits and Exhibit Lists Due September 9, 2024

It is further ORDERED that, in accordance with Rule V(D)(2) of the Court's Individual Rules, the parties shall email to the Court and to opposing counsel **by 10:00 a.m. on September 9, 2024**, an electronic copy of each exhibit sought to be admitted (with each filename corresponding to the relevant exhibit number — e.g., “PX-1,” “DX-1,” etc.). If the files are too large for submission by email, the parties shall send a file-transfer link containing the files to the Court and to opposing counsel. In accordance with Rule V(D)(2) of the Court's Individual Rules, **by 10:00 a.m. on September 9, 2024**, the parties shall also provide the Court with physical copies of the exhibit list (see Rule V(D)(1) of the Court's Individual Rules) and the documentary exhibits. Each hard copy shall be pre-marked (that is, with an exhibit sticker).


C. Final Pre-Trial Conference September 9, 2024; Trial September 16, 2024

It is FURTHER ORDERED that counsel for all parties shall appear for a **Final Pre-Trial Conference on Monday, September 9, 2024 at 11:30 a.m.**, in Courtroom 906 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York. Counsel are referred to Rule V(E)(2) of the Individual Rules regarding a Courtroom technology walkthrough and test in advance of trial. Counsel are required to contact the Courtroom Deputy by no later than **September 9, 2024**, to make the necessary arrangements.

It is FURTHER ORDERED that **the trial will begin with jury selection on Monday, September 16, 2024, and will proceed to opening statements and the presentation of evidence as soon as a jury has been seated. The trial date should be treated as firm.** The parties are advised that the trial date will not be adjourned on account of a settlement in principle; put differently, unless the parties (1) file a stipulation of dismissal or settlement or (2) appear in person to put the material terms of a settlement on the record (and the Court approves the settlement to the extent that such approval is required), the parties should be prepared to go to trial as scheduled.

Dated: April 18, 2024
New York, New York

SO ORDERED.


MARGARET M. GARNETT
United States District Judge